

Notice of Allowability

Application No.

10/622,689

Applicant(s)

LU ET AL.

Examiner

Kuo-Liang Peng

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1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/23/07 Amendment.
2. ☒ The allowed claim(s) is/are 4,10,12,18,19,22-31 and 35-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Applicants' amendment filed April 23, 2007 is acknowledged. Claims 1-3, 5-9, 11, 13-17, 20-21 and 32-34 are deleted. Claims 4, 10, 22-31 and 35-37 are amended. Now, Claims 4, 10, 12, 18-19, 22-31 and 35-37 are pending.
2. The following Examiner amendment is made because the claim status identifier of Claim 10 is improper.

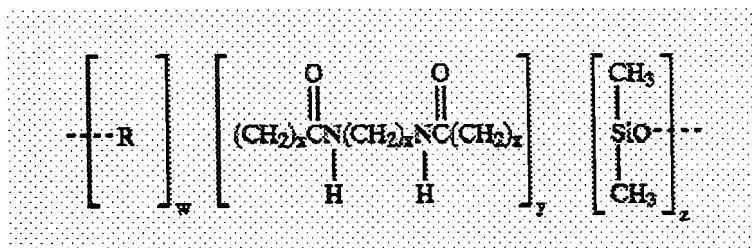
Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. The application has been amended as follows:

Replace the whole content of Claim 10 with --

10. A composition comprising a physiologically acceptable medium and a copolymer comprising the chemical formula:

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where R is an oxyalkylene group selected from the group consisting of oxyethylene, oxypropylene, oxyisopropylene, and mixtures thereof, x is 1-40, each of y and z is 1-200, and w is 2-200, wherein the copolymer has emulsifying activity and the ratio of z/w is from 0.001 to 1000. --

5. Claim rejection(s) under 35 USC 112 in the previous Office Action (Paper No. 012007) is/are removed.
6. Double patenting rejection in the previous Office Action (Paper No. 012007) is/are removed.
7. Claim rejection(s) under 35 USC 102 in the previous Office Action (Paper No. 012007) is/are removed.

Allowable Subject Matter

8. Claims 4, 10, 12, 18-19, 22-31 and 35-37 are allowed.

9. The following is an examiner's statement of reasons for allowance:

The present claims are allowable for at least the following reason(s) over the closest references: Wittmann (US 4 822 852), Lu (US 2004/0001799), Lu548 (US 2003/0235548), Lu553 (US 2003/0235553), Hansenne (US 2004/0126336), Yu552 (US 2003/0235552), Tournilhac (US 2003/0072730), Ferrari188 (US 2003/0170188), Ferrari348 (US 2003/0068348), Yu154 (US 2004/0115154), Yu153 (US 2004/0115153), Yu912 (US 2004/0120912) and Lu030 (US 2003/0232030)

Wittmann discloses a composition comprising a copolyamide containing formula (I). The polyamides containing polydiorganosiloxane carbonamide units may be prepared by partly replacing the dicarboxylic acid(s)/derivative(s) and/or the diamine or the lactam or the aminocarboxylic acid in processes known per se for the production of polyamides, for example melt condensation or interfacial condensation of dicarboxylic acids or derivatives thereof and diamines or of aminocarboxylic acids and lactams, by corresponding amino- or carboxyl-terminated, so-called organofunctional polydiorganosiloxane compounds. (col. 2, lines 49-59) The polydiorganosiloxane units may be attached either to one another and/or to the polyamide-forming components (including the polyether diamines)

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through the carbonamide groups. The use of the organofunctional polydiorganosiloxane components is characterized in that, after the incorporation reaction, only a very small proportion can be extracted from the polyamide with a good solvent for the starting siloxane. (col. 5, lines 16-23) These polyoxyalkylene ether diamines may be prepared, for example, by amination of polyoxyalkylene etherdiols under pressure, by addition of acrylonitrile to polyetherdiols and subsequent reduction of the nitrile group, by alkali-catalyzed hydrolysis of NCO prepolymers of polyetherdiols and (cyclo)aliphatic diisocyanates or by other known methods. Examples of polyether diamines eminently suitable for use in accordance with the invention are the commercially available Jeffamines[®]. (col. 4, lines 57-66) The polyoxyalkylene ether diamine can be derived from oxyethylene, etc. preferably with a molecular weight of 400 to 3500. (col. 4, lines 39-56) However, Wittmann does not teach or fairly suggest a composition comprising a **physiologically acceptable medium** and a copolymer comprising the claimed formula.

Lu, Lu548, Lu553, Hansenne, Yu552, Tournilhac, Ferrari188, Ferrari348, Yu154, Yu153, Yu912 and Lu030 discloses a composition comprising a physiologically acceptable medium and a copolymer represented by formula (I) where X may be identical or different represent a **linear** or **branched** C1 to C30

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alkenylethyl groups, possibly containing in its chain one or more **oxygen** and/or **nitrogen** atoms. However, none of these references teaches or fairly suggests X being **oxyethylene**, **oxypropylene** or **oxyisopropylene** and mixtures thereof.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp
July 18, 2007



Kuo-Liang Peng
Primary Examiner
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